

### REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 6, 2006. At the time of the Office Action, Claims 1-20 were pending in this Application. Claims 1-20 were rejected.

#### **Rejections under 35 U.S.C. §103**

Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,496,881B1 issued to Alan M. Green et al. ("Green"), and further in view of U.S. Patent Publication 2002/0087907A1 issued to David I. Poisner ("Poisner"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 1, 7, and 14 (the independent claims) are directed to dealing with an overheated processor of a multi-node system. If a processor overheats, it is disabled. The overheated processor is prevented from being reset, even if the rest of the system is reset. An object of the invention is to force an overheated processor to be manually attended to by a technician, while at the same time permitting the rest of the system to remain operable. (Page 9, lines 17 - 23).

Green is directed to dealing with a failed boot processor of a multi-processor system. If the processor fails to boot after a "time-out" period, the processor is disabled via the VRM. The system is then reset, minus the disabled processor.

The Examiner relies on Poisner for the substitution of a processor that fails from overheating, rather than fails to boot. However, the use of Poisner as reference is inappropriate.

Neither Green nor Poisner addresses the question of an overheated processor in a multi-node system. Green is directed to boot failures and does not discuss overheating at all. Poisner teaches only that an overheated processor should shut down and be allowed to automatically restart after a time [0010].

In Poisner, a reset overrides any prior overheating signal and allows the process to start. Poisner teaches away from disabling the processor in the face of a reset of the system.

In other words, Poisner teaches away from preventing a processor from being reset after it has overheated.

In the present invention, a reset does not override the disabling of the overheated processor. In the present invention, once a processor overheats, that processor will not restart in response to a reset.

Because Green does not teach or suggest how to deal with an overheated processor, and because Poisner teaches away from preventing restart of a previously overheated processor, Claims 1, 7, and 14 are not obvious. These claims are allowable, as are their dependent claims.

**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of all pending claims.

Applicants enclose a Petition for One Month Extension of Time and authorize the Commissioner to charge the \$120.00 extension fee to Deposit Account No. 02-0383 of Baker Botts L.L.P. Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 02-0383 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2634.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorney for Applicants

A handwritten signature in black ink, appearing to read "Ann Livingston", with a stylized flourish at the end.

Ann C. Livingston  
Reg. No. 32,479

Date: July 6, 2006

SEND CORRESPONDENCE TO:  
BAKER BOTTS L.L.P.  
CUSTOMER ACCOUNT NO. **23640**  
512.322.2634  
512.322.8383 (fax)